

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DOCKET NO: 14-CR-10304-DPW

MICHAEL GORDON

DEFENDANT'S MOTION FOR REVOCATION
OR AMENDMENT OF DETENTION ORDER

The defendant Michael Gordon, through the undersigned counsel, seeks relief from previous orders by Magistrate Judges (Collings, M.J. and Cabell, M.J.) detaining him pending the outcome of this criminal proceeding. The defendant seeks review and revocation of the detention orders pursuant to 18 U.S.C. § 3145.

The undersigned submits that conditions of release set forth below are sufficient to ensure the defendant's appearance at future Court hearings, events and a possible trial in this case; and sufficiently address the statutory rebuttable presumptions of risk of flight.

The Pre-Trial Services coupled with additional information provided at several detention hearings since the defendant's arrest have shown that the defendant is a naturalized United States citizen; that he has a large supportive Boston area family; that he has a strong history of legitimate employment in Boston over the past 28 years; and that he has a minimal criminal record.

While the United States articulates that the evidence of the defendant's guilt is strong in this 10 year mandatory marijuana case, the undersigned is still in the early stages of reviewing discovery and preparing appropriate defenses to the indictment.

As part of this detention review the defendant does challenge the weight and accuracy of certain conclusions made by Magistrate Collings in a December 22, 2014 Memorandum and Order related to his lack of ties to Massachusetts, his supposed ties to Jamaica and his personal history and characteristics. The defendant argues that he indeed has very substantial ties to Massachusetts, has nominal ties to Jamaica and is an excellent candidate for pre-trial release.

The defendant also argues that claims that the defendant was evasive at his Pre-Trial Services interview; that the defendant has access to large sums of cash and that he is concealing the location of his United States passport.

The undersigned states that the rebuttable presumptions have been sufficiently addressed by the conditions of release set forth below; and the defendant's personal history, family ties, roots in the community and history of employment. As such, the defendant respectfully requests that the Court revoke previous orders detaining the defendant and releases him subject the following conditions:

1. That an appearance bond in the amount of \$57,000 (fifty seven thousand dollars) secured with a mortgage (or attachment) to Mr. Lloyd Patrick Gayle and his residence of 44 Faunce Street, in Mattapan, Massachusetts. Mr. Gayle is prepared to execute a mortgage and escrow agreement with the Clerk's Office of the United States District Court in this amount. Mr. Gayle will satisfy all other requirements of posting real estate as set forth by the Clerk's office criteria for posting real estate as bail;

2. That an appearance bond in the amount of \$30,000 (thirty thousand dollars) secured with a mortgage (or attachment) to Ms. Saffron Jaggan and her residence of 26 Bradeen Street, in Roslindale, Massachusetts. Ms. Jaggan is prepared to execute a mortgage and escrow agreement with the Clerk's Office of the United States District Court in this amount. Ms. Jaggan will satisfy all other requirements of posting real estate as set forth by the Clerk's office criteria for posting real estate as bail;
3. That a secured bond in the amount of \$13,000 be posted by Violet Gordon in the form of cash.
4. That the defendant execute an unsecured bond in the amount of \$100,000 (one hundred thousand dollars);
5. That Violet Gordon execute an unsecured bond in the amount of \$100,000 (one hundred thousand dollars);
6. That the defendant be subject to electronic monitoring during the pendency of the case;
7. That the defendant report in person or by telephone with the Office of Pre Trial Services on a weekly basis during the pendency of this case;
8. That the defendant refrain from violating any federal or state laws;
9. That the defendant assent to having his United States passport revoked, he agrees to not apply for any such passport while out on release during the pendency of this case;
10. That the defendant refrain from any contact with any witness associated with the pending prosecution against him;
11. That the defendant not possess a firearm or other dangerous weapon;
12. That the defendant not travel outside the State of Massachusetts without seeking permission from the Court;

13. And any other further condition the Court believes appropriate to ensure the defendant's appearance at trial.

The defendant respectfully requests a hearing for this motion.

Respectfully submitted,
Michael Gordon,
by his lawyer,

Date March 5, 2015

/s/ William Keefe
William Keefe
BBO # 556817
801C Tremont Street
Boston, MA 02118
Telephone: (617) 947-8483
Facsimile: (617) 445-8002

CERTIFICATE OF SERVICE

I, William Keefe, hereby certify a copy of the attached Defendant's Motion for Revocation or Amendment of Detention Order was electronically filed with the United States Attorney, United States Attorney's Office, 1 Courthouse Way, Boston, Ma 02210, today, March 5, 2015.

/s/William Keefe
William Keefe